

IN THE MATTER OF	:	BEFORE THE
T-MOBILE	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	Request for Reconsideration in BA Case No. 08-035C

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RECONSIDERATION ORDER

On October 23, 2008, the Petitioner submitted a Request for Reconsideration of the Hearing Examiner Decision and Order in Board of Appeals Case No. 08-35C, which decision and order was granted as supported by findings and facts set forth in the decision.¹ In Finding of Fact No. 7, the proposed conditional use is described as "a 120-foot flag/monopole a new commercial telecommunications monopole facility" and Decision and Order approved a 120-foot flag/monopole. The Petitioner is requesting that the Decision and Order be revised to include approval for a 125-foot monopole, not a 120-foot monopole.

Hearing Examiner Ruled 11.5 permits me to revise a decision only upon a finding of mistake of fact or mistake of law. In this case, Petitioner's letter clarifies that the evidence and testimony before the Hearing Examiner contains "confusing information" about the desired height of the pole. It explains that the actual height of the top of the flag/monopole requested was 125 feet, that T-Mobile's top antennas would be concealed inside the pole at 120 feet, that their second level of antennas would be at the 110-foot level, and that the third and forth level of antennas (for future wireless providers) would be at the 100 and 90-foot levels.

¹ Although the Petitioner's request is described as a "Request for Modification of Order," it is actually a request for reconsideration.

In Re: Request for Reconsideration in Board of Appeals Case No. 08-035C

Having reviewed the testimony and evidence of record, I conclude the Petitioner's request for reconsideration should be granted, there being a mistake of fact in the original Decision and Order.

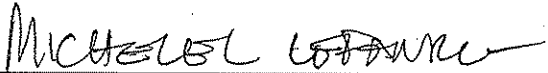
ORDER

Based upon the foregoing, it is this **3rd day of November 2008**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Decision and Order in BA Case No. 08-35C is **AMENDED** as follows.

1. The flag/monopole is approved for a maximum height of 125 feet.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**


Michele L. LeFaivre

Date Mailed: 11/5/08

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.